

RESOLUTION NO. 2008-63

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE IMPROVEMENT AGREEMENT
ADDENDUM FOR PUBLIC IMPROVEMENTS AT
856 NORTH SACRAMENTO STREET

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WHEREAS, the developer, Emile Atwood, has applied for a building permit to construct an office/retail building at 856 North Sacramento Street. Public improvements, including curb, gutter, sidewalk, and miscellaneous storm drainage improvements, are part of the off-site improvement requirement as specified in Lodi Municipal Code Chapter 15.44; and

WHEREAS, the developer executed an improvement agreement for the required public improvements in June 2006 and, pursuant to the terms thereof, the developer had 365 days from the date of the agreement execution to complete the public improvement. As a condition of the building permit, all public improvements must be completed prior to occupancy; and

WHEREAS, the City Council approved an addendum to the improvement agreement on May 16, 2007, to provide a one-year extension; and

WHEREAS, the public improvements have not been completed as of this date due to financial constraints on the part of the developer. The developer desires to comply with the requirements of the agreement and is requesting a time extension for completion of the public improvements, and staff therefore recommends a one-year extension for the public improvements as specified under the terms of the original improvement agreement; and

WHEREAS, the addendum also specifies that the developer pay all the additional costs of the document preparation (\$566) and provide the necessary contract security and insurance for the terms of the original agreement; and

WHEREAS, the developer has executed the agreement and paid the additional fees, and staff recommends that the City Council approve the Addendum to the Improvement Agreement for the Public Improvements at 856 North Sacramento Street and authorize the City Manager to execute the agreement on behalf of the City of Lodi.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds:

1. That the Addendum to the Improvement Agreement for the Public Improvements at 856 North Sacramento Street is hereby approved, and further that the City Manager is authorized to execute said Addendum on behalf of the City of Lodi.

Dated: April 16, 2008

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I hereby certify that Resolution No. 2008-63 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 16, 2008, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Katzakian,
and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk